

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JONATHAN VOORHIS,)	
Plaintiff,)	
)	C.A. No. 23-66 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
CINDY DIGANGI, et al,)	Chief Magistrate Judge Richard Lanzillo
Defendants.)	

MEMORANDUM ORDER

Plaintiff Jonathan Voorhis, an adult individual formerly incarcerated at the State Correctional Institution at Frackville, Pennsylvania (“SCI-Frackville”), initiated this *pro se* civil rights action on March 14, 2023, by filing a motion to proceed *in forma pauperis* (“ifp motion”) accompanied by a complaint. [ECF No. 1]. The matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On June 14, 2023, Judge Lanzillo issued an Order granting Plaintiff’s ifp motion and Plaintiff’s complaint was docketed at that time. [ECF No. 9]. Plaintiff subsequently filed an amended complaint [ECF No. 15], which is the operative pleading in this case. Named as Defendants in the amended complaint are: Cindy Digangi (“Digangi”), Julie Lafferty (“Lafferty”), and the Office of Children and Youth (“OCY”) (hereinafter collectively referred to as the “OCY Defendants”); and Erie Police Department (“EPD”), the City of Erie (“Erie”), Patrolman Miller (“Miller”), and Patrolman Morgenstern (“Morgenstern”) (hereinafter collectively referred to as “Erie Defendants”). Plaintiff asserts multiple constitutional and state

law claims stemming from the OCY's actions that ultimately resulted in the grant of permanent custody of Plaintiff's minor child to Plaintiff's mother.

On November 16, 2023, the Erie Defendants filed a motion to dismiss Plaintiff's amended complaint [ECF No. 29], to which Plaintiff filed a response on December 8, 2023 [ECF No. 37]. The OCY Defendants subsequently filed their own motion to dismiss or, in the alternative, for summary judgment, accompanied by a brief and a concise statement of material facts [ECF Nos. 33-35], on November 22, 2023. Plaintiff filed a brief in response to the OCY Defendants' motion [ECF No. 38], but did not file any documentary evidence or affidavits in opposition nor did he file a responsive statement of material facts.¹

On August 12, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that the Erie Defendants' motion be granted and that all claims against the Erie Defendants be dismissed with prejudice, and that the OCY Defendants' motion, treated as a motion for summary judgment, be granted and that judgment be entered in favor of the OCY Defendants on all claims against them. [ECF No. 44].

Plaintiff has filed timely objections to the R&R focused solely on the recommendation that summary judgment be entered in favor of Defendants Digangi and Lafferty. [ECF No. 45]. In particular, Plaintiff objects to Judge Lanzillo's finding that his claims against said Defendants are barred by the doctrine of absolute immunity. This objection is primarily based on Plaintiff's contention that "absolute immunity does not protect the defendants from the act of fabricating evidence." (Id. at p. 1). Plaintiff also claims that he raised this argument in opposition to the

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In his Order requiring Plaintiff to file a response to the OCY Defendants' motion, dated November 27, 2023, Chief Magistrate Judge Lanzillo cautioned Plaintiff that the motion may be treated as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure and that, as a result, Plaintiff's response could include exhibits, counter-affidavits, or other relevant evidence. [ECF No. 36]. A full copy of Rule 56 was also included with the Order.

OCY Defendants’ motion, but that Judge Lanzillo “never brought forth an opinion on this specific argument” in his R&R. (*Id.* at pp. 1-2). Plaintiff is wrong on both counts. Contrary to Plaintiff’s assertions, Judge Lanzillo does specifically address the issue of whether absolute “immunity extends to ‘false statements or misrepresentations’ made by child welfare workers in court filings or during dependency hearings,” by citing a number of cases that have upheld the bar of absolute immunity in such circumstances. (ECF No. 44, at pp. 17-18). Judge Lanzillo goes even further and clearly distinguishes the present case from the principal case upon which Plaintiff bases his argument, Guest v. Allegheny County, 2020 WL 4041550 (W.D. Pa. July 17, 2020), by noting that the fabricated evidence claim in Guest implicated the caseworker’s investigative function, while the claim in this case implicates Defendants’ prosecutorial function. (*Id.* at p. 18 n.7). Thus, Plaintiff’s objection in this regard is unfounded.

The remainder of Plaintiff’s objections regarding Judge Lanzillo’s treatment of the OCY Defendants’ motion under Rule 56 are without merit and warrant no further consideration.

Thus, after *de novo* review of the complaint and documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 3rd day of September, 2024;

IT IS HEREBY ORDERED that the Erie Defendants’ motion to dismiss [ECF No. 29] is GRANTED and all claims against Defendants Erie Police Department, City of Erie, and Patrolmen Miller and Morgenstern are DISMISSED with prejudice.

IT IS FURTHER ORDERED that the OCY Defendants’ motion to dismiss or, in the alternative, for summary judgment [ECF No. 33] is hereby treated as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure and is GRANTED as such. As a result, judgment will be entered in favor of Defendants Cindy Digangi, Julie Lafferty, and Office

of Children and Youth, and against Plaintiff, on all claims against them in this case.

The report and recommendation of Chief Magistrate Judge Lanzillo, issued August 12, 2024 [ECF No. 44], is adopted as the opinion of the Court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge